IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE SIDE

WRIT PETITION NO. 1082 OF 2007

Tukaram Laxman Pawar & ors. .... Petitioner

versus

Dnyan Snakalp Sanstha Kavthe Mahankal.....
and others ... Respondent.

Shri N.V.Walawalkar Sr. adv. i/b R.S.Kate for the petitioner.
Shri Anil Singh with Mr. Sanmdesh Patil i/b Sameer S.Tambekar for Respondents

CORAM; A.P. DESHPANDE, J.
DATED; 22ND JUNE, 2007

P.C.;

1. The respondent no.3 reported a change that had occured on account of holding of election of the managing committee of the trust in the meeting held on 10-9-2006. The outgoing trustees so also the incoming trustees had requested the Asstt. Charity Commissioner to accept the change. It is interesting to note that the present petitioners were also the trustees in the earlier managing committee and are also elected in the election held on 10-9-2006. Thus the petitioners are outgoing trustees as also the incoming trustees and on the basis of no objection by the outgoing trustees, the Asstt. Charity Commissioner has accepted the change report without

any further enuqiry. The order passed by the Asstt. Charity Commissioner came to be challenged by the present petitioners by filing an appeal before the Jt. Charity Commissioner and in the pending appeal the petitioners moved two applications, one for stay of the order passed by the Asstt. Charity Commissioner and (2) for mandatary injunction to deposit the amount withdrawn by them from Bank of India.

2. Touching the merit of the matter, it is the case of the petitioners that their signatures on the no objection letter tendered by the reporting trustees before the Asstt. Charity Commissioner are forged and thus the change report should not have been accepted. Considering this aspect of the matter, in paragraphs 8 and 9 the Joint Charity Commissioner has categorically observed that none of the out going trustees have made any compliant about their signatures being forged and fabricated. It is thus observed that the appellants had received notice of the meeting along with agenda and they had attended the meeting. A vague statement is made in the memo of appeal that the signatures of some of the members on the documents are bogus, but no specific names of the members are mentioned whose signatures are allegedly forged.

3. Taking over all view of the matter the Joint

Charity Commissioner has rightly rejected the applications moved by the petitioners. Perused the order passed by the Joint Commissioner, it does not call for any interference at the hands of this court more so in exercise of writ jurisdiction. It will not be out of place to state that the respondent had withdrawn Rs. 10 lakhs from the current account and have deposited the same in Fixed Deposit. Hence there is no question of mis-appropriation or misuse of the amount. Thus writ petition is summarily dismissed.

4. However, having regard to the dispute, it would be in the interest of justice that the same Charity Commissioner decides the appeal expeditiously. I hope and trust that the appeal shall stands decided preferably within a period of six months from today.

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